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jc915 U.S. PTO

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Attorney Docket P0998D3

PATENT

CERTIFICATION UNDER 37 CFR 1.10

EL 599 584 309 US: Express Mail Number      November 2, 2000: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

  
Ann Savelli

jc922 U.S. PTO  
09/705457  
11/02/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

James Andya  
Chung C. Hsu  
Steven J. Shire  
Sylvia Sau-Yan Wu

Title:      **PROTEIN FORMULATION**

1.      **Type of Application**

- [ ]      This application is for an original, non-provisional application.
- [ ]      This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- [ x ]      This is a      [ ] continuation-in-part      [ ] continuation      [ x ] divisional      application claiming priority to application Serial Number 08/615,369, filed March 14, 1996, the entire disclosure of which is hereby incorporated by reference.

2.      **Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)**  
**(Non-provisional )**

43      pages of specification  
4      pages of claims  
1      page of abstract  
10      sheets of drawings  
[x] formal      [ ] informal

**3. Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*  
\_\_\_ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*  
x A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*  
x A signed Petition and Statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

**4. Assignment**

*(for new and CIP applications)*  
\_\_\_ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

*(for cont./div.)*  
x The prior application is assigned of record to Genentech, Inc.

**5. Amendments (for continuation and divisional applications)**

\_\_\_ Cancel in this application original claims \_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

x A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119**

\_\_\_ Amend the specification by inserting before the first line the sentence:

--This is a

\_\_\_ non-provisional application  
\_\_\_ continuation  
\_\_\_ divisional  
\_\_\_ continuation-in-part

of co-pending application(s)

\_\_\_ Serial No. \_ filed on \_\_, which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --

\_\_\_ International Application \_ filed on \_\_ which designated the U.S., which application(s) is(are)

incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

\_\_\_\_\_ provisional application No. \_ filed \_, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	8	- 20 =	0	X \$18.00	\$0.00
Independent Claims	1	- 3 =	0	X \$80.00	\$0.00
Multiple dependent claim(s), if any				+ \$270.00	\$0.00
<b>Filing Fee Calculation</b>					<b>\$710.00</b>

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

**9. Additional Papers Enclosed**

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☐ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

\_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until

\_\_\_\_\_ A copy of the petition for extension of time in the *prior* application is attached.

**11. Correspondence Address:**

X Address all future communications to:

GENENTECH, INC.  
Attn: Wendy M. Lee  
1 DNA Way  
South San Francisco, CA 94080-4990  
(650) 225-1994

Respectfully submitted,  
GENENTECH, INC.

By: 

Wendy M. Lee  
Reg. No. 40,378

Date: November 2, 2000

1 DNA Way  
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